

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK  
Rochester Division

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**WILLIAM ROBINSON,**  
**Stephen J. Aldstadt, David Bardascini,**  
**Michael P. Carpinelli, George Curbelo, Jr.,**  
**Wayne Denn, William R. Fox, Sr.,**  
**Tim Flaherty, Don Hey, Garry Edward Hoffman,**  
**Raymond Kosorek, Michael R. Kubow,**  
**Thomas J. Lorey, Thomas A. Marotta,**  
**Michael Mastrogiovanni, Kenneth E. Mathison,**  
**Terrence J. McCulley, Doug Negley, Jim Nowotny,**  
**Jacob Palmateer, John E. Prendergast,**  
**Harold W. Schroeder, Edward J. Stokes,**  
**John W. Wallace, Leslie H. Wilson,**  
**Christopher S. Zaleski, Mattie D. Zarpentine,**  
**Shooters Committee for Political Education,**  
**New York Revolution, Gun Rights Across**  
**America – New York, NY2A.org,**  
**Fulton County NY Oath Keepers,**  
*and all those other individuals who are*  
*similarly situated,*

Plaintiffs

vs.

**LORETTA LYNCH,** Attorney General  
of the United States of America, in her official  
and individual capacities, **James B. Comey,** Director  
of the Federal Bureau of Investigation, in his official  
and individual capacities, **Christopher M. Piehota,**  
Director of the Terrorist Screening Center,  
in his official and individual capacities,  
and **Thomas E. Brandon,** Acting Director of the  
Bureau of Alcohol, Tobacco, Firearms  
and Explosives, in his official and individual capacities,

Defendants.

**NOTICE OF CROSS-MOTION  
BY THE PLAINTIFFS FOR  
SUMMARY JUDGMENT**

Civil No.: 6:15-cv-6765-FPG

Hon. Frank P. Geraci, Jr.

Plaintiffs through their Counsel, respectfully respond to the Motion of the Defendants and submit a Cross-Motion to this Court for various relief, as follows:

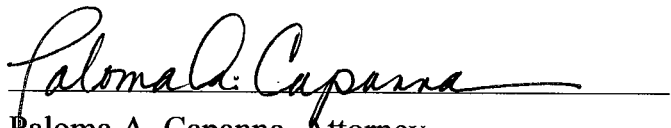
1. granting the Plaintiffs' Cross-Motion for Summary Judgment under Fed.R.Civ.P. 56;
2. denying the Defendants' Motion to Dismiss under Fed.R.Civ.P. 12(b)(1) and Fed.R.Civ.P. 12(b)(6);
3. permitting the certification of a class and notification of class members upon successful resolution of requested relief numbers "1" and "2," above;
4. awarding such other relief in conjunction with the award of summary judgment as appropriate and requested within the Amended Complaint (dated January 11, 2016);
5. in the alternative, granting the Plaintiffs leave to (a.) cure any defects in their Amended Complaint, and, (b.) cure any defects in their personal service of the Defendants and to respond to any subsequent motion of the Defendants concerning the same and/or the *Bivens* claims; and,
6. such other, further, and different relief as to this Court is just.

The facts and law supporting this Motion are set forth in the accompanying Memorandum of Law, the Declaration of Stephen J. Aldstadt (dated April 15, 2016), the Declaration of Michael P. Carpinelli (dated April 14, 2016), the Declaration of George Curbelo, Jr. (dated April 15, 2016), the Declaration of Harold W. Schroeder (dated April 14, 2016), the Declaration of Mattie Zarpentine (dated April 14, 2016), and the Exhibits attached hereto.

Counsel for the Plaintiffs asks for leave for oral argument. Counsel for the Plaintiffs otherwise acknowledges that this Court previously set a scheduling order for the balance of these motion proceedings.

Dated: April 16, 2016


Respectfully submitted,

A handwritten signature in cursive script, reading "Paloma A. Capanna", is written over a horizontal line.

Paloma A. Capanna, Attorney  
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**CERTIFICATION**

I hereby certify that on April 16, 2016 a copy of the foregoing CROSS-MOTION BY THE PLAINTIFFS FOR SUMMARY JUDGMENT was filed electronically and served by mail upon anyone unable to accept electronic filing. Notice of this filing was/will be sent via e-mail to all Parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

  
Paloma A. Capanna, Attorney